



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION IX**  
**75 Hawthorne Street**  
**San Francisco, CA 94105-3901**

7019 0700 0001 7652 6540

**MAR 05 2020**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Eric Ferguson, President  
Integrated Strategic Resources, Inc. DBA Andy's Auto Sport  
798 Lighthouse Ave Ste #303  
Monterey, CA 93940

Re: Notice of Violation of the Clean Air Act

Dear Mr. Ferguson:

The United States Environmental Protection Agency (EPA) has investigated and continues to investigate Integrated Strategic Resources, Inc. DBA Andy's Auto Sport (Andy's Auto Sport) for compliance with section 203(a) of the Clean Air Act (CAA), 42 U.S.C. § 7522(a), and its implementing regulations. As detailed in this Notice of Violation (NOV), the EPA has determined that Andy's Auto Sport sold parts or components for motor vehicle engines that bypass, defeat, or render inoperative devices or elements of design of motor vehicles that were installed by the original equipment manufacturer (OEM) to enable the motor vehicles to comply with the CAA emission standards. EPA has also determined that Andy's Auto Sport knew, or should have known, that these parts or components were offered for sale or installed for such use or put to such use. Therefore, Andy's Auto Sport violated section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

*Law Governing Alleged Violations*

This NOV arises under Part A of Title II of the Act, 42 U.S.C. §§ 7521–7554, and the regulations promulgated thereunder. These laws were enacted to reduce air pollution from mobile sources of air pollution. In creating the CAA, Congress found, in part, that “the increasing use of motor vehicles . . . has resulted in mounting dangers to the public health and welfare.”<sup>1</sup> Congress’ purpose in creating the CAA, in part, was “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population,” and “to initiate and accelerate a national research and development program to achieve the prevention and control of air pollution.”<sup>2</sup>

The CAA defines a “motor vehicle” as “any self-propelled vehicle designed for transporting persons or property on a street or highway.” Section 216(2) of the CAA, 42 U.S.C. § 7550(1). In addition, the exclusion and exemption of motor vehicle and motor vehicle engine regulations clarify that

<sup>1</sup> CAA § 101(a)(2), 42 U.S.C. § 7401(a)(2).

<sup>2</sup> CAA § 101(b)(1)–(2), 42 U.S.C. § 7401(b)(1)–(2).

[f]or the purpose of determining the applicability of section 216(2) of the CAA, a vehicle which is self-propelled and capable of transporting a person or persons or any material or any permanently or temporarily affixed apparatus shall be deemed a motor vehicle, unless any one of more of the criteria set forth below are met, in which case the vehicle shall be deemed not a motor vehicle: (1) The vehicle cannot exceed a maximum speed of 25 miles per hour over level, paved surfaces; or (2) The vehicle lacks features customarily associated with safe and practical street or highway use, ... ; or (3) The vehicle exhibits features which render its use on a street or highway unsafe, impractical, or highly unlikely. . . . 40 C.F.R. § 85.1703.

The CAA makes it a violation

for any person to manufacture or sell, or offer to sell, or install, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this subchapter, and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use.

CAA § 203(a)(3)(B), 42 U.S.C. § 7522(a)(3)(B); 40 C.F.R. § 86.1854-12(a)(3)(ii). It is also a violation to cause any of the foregoing acts. CAA § 203(a), 42 U.S.C. § 7522(a); 40 C.F.R. § 86-1854-12(a).

The CAA and the applicable regulations also prohibit any person from failing or refusing to make reports or provide information required under section 208 of the CAA, 42 U.S.C. § 7542. CAA § 203(a)(2), 42 U.S.C. § 7522(a)(2); 40 C.F.R. § 86.1854-12(a)(2)(i).

Finally, the CAA provides that persons subject to the requirements of the CAA, and the applicable regulations, shall establish and maintain records, and provide information, which EPA may require to determine whether the person has acted, or is acting, in compliance with the CAA and its regulations. CAA § 208(a), 42 U.S.C. § 7542(a).

#### *EPA Certification Program*

EPA administers a certification program to ensure that every vehicle introduced into United States (U.S.) commerce satisfies applicable emission standards. Under this program, EPA issues certificates of conformity (COCs), and thereby approves the introduction of motor vehicles into U.S. commerce. To obtain a COC, a motor vehicle manufacturer must submit a COC application to the EPA for each test group of vehicles that it intends to enter into U.S. commerce. 40 C.F.R. § 86.1844-01. Motor vehicle manufacturers employ many devices and elements of design to meet emission standards to obtain COCs. "Element of design" means "any control system (*i.e.*, computer software, electronic control system, emission control system, computer logic), and/or control system calibrations, and/or the results of systems interaction, and/or hardware items on a motor vehicle or motor vehicle engine." 40 C.F.R. §§ 86.094-2 and 86.1803-01. For example, manufacturers employ certain hardware devices as emission

control systems to manage and treat exhaust to reduce levels of regulated pollutants from being created or emitted into the ambient air. For gasoline-fueled vehicles, these devices include use of a catalytic converter.

### *Factual Background*

Andy's Auto Sport advertises and offers for sale online certain parts or components for use on light-duty motor vehicles that bypass, defeat, or render inoperative a device or element of design that is used to control emissions on the motor vehicle. The parts and components that are the subject matter of this NOV are exhaust systems that are used to eliminate a catalytic converter. The catalytic converter is a primary emission control component that is used to reduce toxic byproducts of burning fuel (*e.g.*, nitrogen oxides, carbon monoxide, and hydrocarbons) to less hazardous byproducts such as carbon dioxide, water vapor, and nitrogen gas.

On August 26, 2019, pursuant to section 208 of the CAA, EPA issued to Andy's Auto Sport an Information Request concerning, among other things, the exhaust parts and components that Andy's Auto Sport offered for sale or sold since January 1, 2018, through the date of the letter. EPA received a response to the Information Request from Andy's Auto Sport dated September 21, 2019. Based on the response to the Information Request, EPA makes the following determinations:

1. As described in the enclosed Appendix A, between January 1, 2018, and September 21, 2019, Andy's Auto Sport offered for sale and sold 108 exhaust systems in violation of the CAA. These exhaust systems are used to bypass, defeat, or render inoperative the catalytic converter on certain light-duty motor vehicles (the Subject Exhaust Systems). The Subject Exhaust Systems include exhaust manifold headers, downpipes, test pipes, and other parts designed and manufactured to remove and replace the catalytic converter on gasoline vehicles.
2. Andy's Auto Sport sells the Subject Exhaust Systems, depending on the motor vehicle's make and model, for use on certain vehicles for all model year vehicles since 1975 to the present.

### *Alleged Defeat Device Violations*

The Subject Exhaust Systems function as defeat devices by replacing and therefore rendering inoperative the motor vehicle's original exhaust system, which included a catalyst to control emissions. Andy's Auto Sport's response to the Information Request included exhaust system diagrams with notations indicating where the replaced exhaust system bypasses or deletes the catalytic converter on the OEM exhaust system.

Due to the design and purpose of the Subject Exhaust Systems, as shown by Andy's Auto Sport's response to the Information Request, Andy's Auto Sport knew, or should have known, that the Subject Exhaust Systems were offered for sale and sold in order to bypass, defeat, or render inoperative devices or elements of design that control emissions of regulated air pollutants.



Each of the Subject Exhaust Systems functions as a defeat device by bypassing, defeating, or rendering inoperative the motor vehicle's catalytic converter. In addition, many or all of the Subject Exhaust Systems manufactured or sold by Andy's Auto Sport were designed and marketed for use on specific makes and models of certain vehicles. The original vehicle manufacturers sought and obtained COCs from the EPA for these motor vehicles and engines. This certification unequivocally demonstrates that these vehicles and engines are "motor vehicles" and "motor vehicle engines" under the CAA. Andy's Auto Sport knew, or should have known, that the Subject Exhaust Systems were offered for sale, sold, or installed in order to bypass, defeat, or render inoperative devices or elements of design that control emissions of regulated air pollutants from a motor vehicle or motor vehicle engine. Andy's Auto Sport's sale or distribution of the Subject Exhaust Systems between January 1, 2018, and September 21, 2019, constitutes 108 separate violations of section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

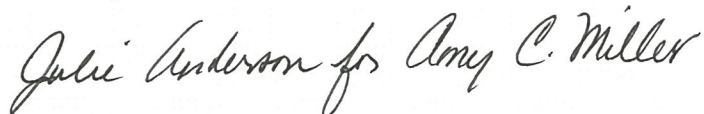
Based on the foregoing, Andy's Auto Sport committed 108 violations of section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B) by offering for sale and selling 108 Subject Exhaust Systems.

#### *Enforcement Authority*

The EPA may bring an enforcement action for these violations under its administrative authority or by referring this matter to the United States Department of Justice with a recommendation that a civil complaint be filed in federal district court.<sup>3</sup> Persons violating sections 203(a)(3)(A) or (B) of the Act, 42 U.S.C. §§ 7522(a)(3)(A) or (B), are subject to an injunction under section 204 of the Act, 42 U.S.C. § 7523, and a civil penalty of up to \$4,819 for each violation that occurred after November 2, 2015.<sup>4</sup>

The EPA is available to discuss this matter with you in further detail upon your request. Within 14 days of receipt of this NOV, please contact Scott Connolly, Environmental Engineer, at (415) 947-4141 or [connolly.scott@epa.gov](mailto:connolly.scott@epa.gov), or have your attorney contact Denise Leong, Assistant Regional Counsel, at (415) 972-3409 or [leong.denise@epa.gov](mailto:leong.denise@epa.gov).

Sincerely,



Amy C. Miller

Director, Enforcement & Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 9

Enclosures: Appendix A

---

<sup>3</sup> CAA §§ 204 and 205, 42 U.S.C. §§ 7523 and 7524.

<sup>4</sup> CAA § 205(a), 42 U.S.C. § 7524(a); 40 C.F.R. § 19.4. This civil penalty level has been adjusted over time as required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note; Pub. L. 101-410), as amended.

## Appendix A

**Integrated Strategic Resources, Inc. DBA Andy's Auto Sport violations of CAA § 203 for the period 1/1/18-9/21/19 for offering for sale and sale of 108 Subject Exhaust Systems**

<b>#</b>	<b>Part Number</b>	<b>Product Name</b>	<b>Quantity</b>
1	79220	Hedman Header - Painted, Tube Size 1.75", Collector Size 3" w/o Smog Injection Or Injection Heads	1
2	83208	Doug Thorley Performance Mid Pipes with Resonators - 2 Bolt Flanges	1
3	11104FLT	Flowtech Headers - Standard, Primary Tube Collector Size 1 5/8" x 3" w/o A.I.R. Tubes, Modify Stock Exhaust to Retain Cat. Converter, Not Legal for Street Use	1
4	11504FLT	Flowtech Headers - Standard, Primary Tube Collector Size 1 5/8" x 3" w/o A.I.R. Tubes, Modify Stock Exhaust to Retain Cat. Converter, Not Legal for Street Use	1
5	12502FLT	Flowtech Headers - Standard, Primary Tube Collector Size 1.5" x 2.5" Modify Stock Exhaust to Retain Cat. Converter, Not Legal for Street Use	1
6	13500FLT	Flowtech Headers - Standard, Primary Tube Collector Size 1 5/8" x 3" Modify Stock Exhaust to Retain Cat. Converter, Not Legal for Street Use	1
7	16561HKR	Hooker Dual Competition Header Back Exhaust System Kit (Front Differential Pinion Is Above Centerline Of Axle)	1
8	16562HKR	Hooker Dual Competition Header Back Exhaust System Kit (Runs Down Right Hand Side Between Frame And Drive Shaft)	1
9	2806HKR	Hooker Super Competition Header (Black Finish) (Tube Size 1.75 x 32 O.D. in.) (Collector Size 3 O.D. in.) (Collector Length 8 in.) (Port Shape Same As Port) (Fits Angle Plug Heads)	1
10	31116FLT	Flowtech Headers - Primary Tube Collector Size 1.5" x 2.5" w/ O2 Sensor Fitting, Modify Stock Exhaust to Retain Cat. Converter, Not Legal for Street Use (Ceramic)	1
11	412-05-1900	Skunk2 Alpha Stainless Steel Race Headers	1
12	412-05-1910	Skunk2 Alpha Header	1
13	5803HKR	Hooker Super Competition Header (Black Finish) (Tube Size 1 5/8 x 33 O.D. in.) (Collector Size 3 O.D. in.) (Collector Length 10 in.) (Port Shape Same As Port)	1
14	5905HKR	Hooker Competition Header (Black Finish) (Tube Size 1.75 x 27 O.D. in.) (Collector Size 2.5 O.D. in.) (Collector Length 8 in.) (Port Shape Same As Port)	1
15	70-2223	Pacesetter Long Tube Headers	1
16	70-2258	Pacesetter Long Tube Headers	1

17	72C1078	Pacesetter ARMOR Coated Headers	1
18	83206-B	Doug Thorley Performance Mid Pipes - 2 Bolt Flanges, 16 Gauge, Stainless Steel	1
19	953-116-102	Weapon R Stainless Steel Street Header	3
20	953-116-104	Weapon R Stainless Steel Race Header	1
21	953-204-104	Weapon R Stainless Steel Race Header	1
22	953-204-107	Weapon R Race Header - 2.5" - 3" Collector	1
23	953-204-109	Weapon R Stainless Steel Race Headers: 4-2-1 / 1Pc	3
24	953-204-112	Weapon R Race Header - Stainless Steel	1
25	953-400-103	Weapon R Racing Mid Pipe - Stainless Steel	1
26	BXEX-20101	Blox Racing 2.5" Telescopic Test Pipe	1
27	CC-ME95NT	Megan Racing Resonator/Test Pipe (2.25 Inlet)	3
28	DCC40	Pypes 2.5" Downpipes	1
29	DP-009	Rev9Power Down Pipe - Stainless Steel	1
30	DP-3000GT-3	CX Racing 3" Diameter Downpipe	1
31	DP-CIVIC	CX Racing 3" Diameter Downpipe	1
32	DP-CIVIC-DP2-5BF	CX Racing 2.5" Diameter Downpipe Flange (5 Bolt)	1
33	DP-CIVIC-DP2-5BF-300-O2	CX Racing 3" Diameter Downpipe with O2 Bung (5 Bolt)	2
34	DP-ECLIPSE-2G-GST	CX Racing 3" Diameter Downpipe (Stainless Steel)	1
35	DP-ECLIPSE-2G-GSX	CX Racing 3" Diameter Downpipe (Stainless Steel)	1
36	DP-FD-13B-SB	CX Racing 3" Downpipe for Single Turbo Upgrade (Non-Stock / Stainless Steel)	1
37	DP-MR2	CX Racing 3" Diameter Downpipe	1
38	HS00HS1TP2	Invidia Test-Pipe (With Celfix) (Pipe Size: 2.756")	1
39	HS05STCDPP	Invidia Down-Pipe (Pipe Size: 2.362")	1
40	HS06LGSMIP	Invidia Mid-Pipe (Pipe Size: 2.756")	1
41	HS06LISMIP	Invidia Mid-Pipe (Pipe Size: 2.756")	2
42	HS08SW1DPC	Invidia Down-Pipe With High Flow Cat. (Pipe Size: 2.992")	1
43	HS94AI1TPP	Invidia Test-Pipe (Pipe Size: 2.362")	1
44	HS96HC2TPP	Invidia Test Pipe (Pipe Size: 2.362")	4
45	MR-CC-HAV03	Megan Racing Test Pipe - Bolt-On Design	1
46	MR-CC-MM3	Megan Racing Test Pipe - 3" Pipping	2
47	MR-SSDP-HC06E	Megan Racing Stainless Steel Downpipes - 2.25" Pipe	1
48	MR-SSDP-HC12	Megan Racing Down Pipe - Stainless Steel	1

49	MR-SSDP-LSC01	Megan Racing Down Pipe - Stainless Steel	1
50	MR-SSDP-ME95GSTV2 (Megan Racing)	Megan Racing Down Pipe - Stainless Steel	1
51	MR-SSDP-ME95GSV2	Megan Racing Down Pipe - Stainless Steel	1
52	MR-SSDP-MRX9396	Megan Racing Down Pipe - Stainless Steel	1
53	MR-SSDP-N7Z	Megan Racing Down Pipe - Stainless Steel	1
54	MR-SSDP-NS0725 (Megan Racing)	Megan Racing Down Pipe - Stainless Steel	1
55	MR-SSDP-TS86	Megan Racing Down Pipe - Stainless Steel	1
56	MR-SSDP-VWGB0318	Megan Racing Down Pipe - Stainless Steel	3
57	RX8-RP	TurboXS, Catless Race Pipe, 3 Inch	1
58	SES1900DP	Injen Exhaust System - Down-Pipe	2
59	SES1902DP	Injen Exhaust System - Down-Pipe W/ Extended O2 Sensor	1
60	THY-465-L-C	Doug Thorley Header, Long Tube	6
61	THY-560Y1-L-C	Doug Thorley Header, Tri-Y Long Tube (Race Only)	1
62	TP-038	Manzo USA Header and Downpipe - Stainless Steel	2
63	TP-059	Manzo USA Header and Downpipe - Stainless Steel	2
64	TP-072	Manzo USA Header and Downpipe - Stainless Steel	2
65	TP-092	Manzo USA Header and Downpipe - Stainless Steel	2
66	TP-103	Manzo USA Non Turbo Header and Downpipe - Stainless Steel	2
67	TP-162	Manzo USA 1.8T Stainless Steel Downpipe - 3" Inlet	1
68	TP-202	Manzo USA Header and Downpipe - Stainless Steel	2
69	TP-206	Manzo USA Stainless Steel Exhaust Test Pipe - 1.8T 3"	8
70	TR-EM1008	Tomioka Test Pipe	1
71	WS02-MP	TurboXS, Midpipe (v2)	4
72	WS-UP	TurboXS Catless Up Pipe	1
Total			108